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April 11, 2017

Via ECF

Honorable Raymond J. Dearie
Senior United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Gregorio Gigliotti*
Docket No. 15 Cr. 204 (RJD)

Dear Judge Dearie:

This letter is submitted for Your Honor's consideration in the sentencing of Gregorio Gigliotti. Sentencing is now set for April 18, 2017.

I write to raise two points. First, Gregorio Gigliotti objects to the filing of any order of forfeiture and requests a hearing with regard to this issue. I have spoken with counsel for Angelo Gigliotti and it is my understanding that Angelo Gigliotti objects to the filing of a forfeiture order as well. The Gigliottis jointly request that issue of forfeiture be put over to a future date when it can be addressed by counsel for both Gregorio Gigliotti and Angelo Gigliott at the same time.

In addition, the government has advanced that a two-point enhancement is warranted under Section 2D1.2(b)(2) of the United States Sentencing Guidelines. The government asserts there is evidence that Gregorio Gigliotti used violence, made a credible threat to use violence or directed the use of violence in furtherance of a drug-trafficking operation.

Mr. Gigliotti objects to this enhancement and argues that the government has not established that the enhancement is warranted. Rather, what the government has done is produce excerpts of conversations between the Gigliotti family in which an often-inebriated Gregorio Gigliotti puffs about his desire to reprimanded co-defendant Franco Fazio. However, when Angelo Gigliotti suggested traveling to Italy to confront Fazio, Gregorio Gigliotti dissuaded him. And, when Franco Fazio was in New York, Gregorio Gigliotti told Angelo Gigliotti not to raise a hand to Fazio. Moreover, while Gregorio Gigliotti suggested that someone had slapped or assaulted Fazio in Italy, there is no indication as why this happened if indeed it did. Finally, the government has failed to produce any evidence as to the nature of the dispute or the connection to a drug-trafficking operation. For all of these reasons, the enhancement is inapplicable.

I thank Your Honor for his consideration in these matters.

Respectfully submitted,

Elizabeth E. Macedonio
Elizabeth E. Macedonio
Counsel for the Defendant
Gregorio Gigliotti

All Parties - Via ECF